

SL 2014-120 Report ~~(Your Department Name)~~Macon County Health
Department

~~Template for Local Health Department use in preparing the R~~report required pursuant to
Session Law 2014-120, Section 29. (b).

~~The State has prepared this template for use by local departments in fulfilling the reporting requirements relative to the referenced Session Law. The format of the template mirrors that used in the State's report for your convenience. Each section includes a description of the information your department must provide. Local departments may reference the State report as appropriate.~~

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Part 1A: On-site Water Protection: Standardize Certain Regulatory Review Procedures

Reference Session Law 2014-120, Section 29.(b).

Background: The On-site Waste Water Program of the Macon County Environmental Health Section receives Regulatory Submittals for review under multiple scenarios as provided for in statute and rule. The processes for each type of review are described below.~~Describe the types of review your agency performs relative to On-site Water Protection and what methods you use to ensure that reviews are limited to regulatory compliance. Reference the State's report as appropriate.~~

~~I. First type of Regulatory submittal~~

~~A. A description of the process~~

~~B. Etc.~~

I. Systems with design daily flows > 3,000 total gallons per day [15A NCAC 18A .1938(e)] or for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)]: State review required.

A. Application submittal

1. The local health department (LHD) receives an application for a system that requires state review in accordance with Rule .1938(e) or (f) as applicable.
2. The LHD notifies the OSWP of receipt of the application, fills out a Request for Review and conveys it to the OSWP with the project submittal.
3. OSWP reviewers: An engineer and regional soil scientist (RSS) are assigned to the review.

B. Optional Initial Meeting

The owner or their consulting Professional Engineer (PE) may request a meeting with the LHD and/or OSWP staff to review the preliminary project information based on submittal rules, procedures and requirements.

C. Daily Design Flow Review Process

1. The OSWP staff engineers (hereafter "staff engineer/s") receive a project submittal for the proposed daily design flow.
2. The assigned staff engineer enters the project submittal information into the database and assigns a project number.
3. The staff engineer notifies the LHD of receipt of the submittal.
4. The staff engineer contacts the LHD to discuss the proposed daily design flow.

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5. The staff engineer issues one of the following types of letters to the LHD, the PE and other applicable parties:

- a. An approval of the proposed design daily flow;
- b. A request for revisions to the proposed daily design flow that includes
 - (a) A section detailing any required revisions with citation of the applicable statute or rule;
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice);
- c. A request for additional information that includes:
 - (a) A section detailing any required additional information with citations to rules or statutes; and
 - (b) A section detailing any suggested or recommended additional information based upon current knowledge base (guidance, manuals or standards of practice).

6. If the proposed daily design flow is approved, then a soil and site evaluation review will be conducted as described in Section D below.

7. If the proposed daily design is not approved and the required revision and/or additional information identified by the staff engineer is submitted, then the proposal is reviewed again.

8. If the proposed daily design is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information identified by the staff engineer, the Submitting Party may request an Informal Internal Review as described in Part 2 of this report.

D. Soil and Site Evaluation Review

1. The OSWP Regional Soil Scientist (RSS) receives copies of reports of soil and site evaluations independently performed by both the applicant's private licensed soil scientist consultant (LSS) and the LHD.

2. Site Visit:

a. The RSS visits the site with the LSS and LHD, reviews the submitted soil and site data from the LSS and LHD for concurrence and checks any areas where there was not concurrence.

b. The LSS, RSS and LHD discuss the proposed long-term acceptance rate (LTAR), configuration and installation depths of drainfield(s), treatment standard and any other design requirements dictated by the soil and site conditions.

c. Upon concurrence, the private LSS, RSS and LHD determine the number, depth and location of any hydraulic assessments and whether any additional information must be provided with those analyses.

3. The RSS evaluates results of hydraulic assessments and site loading capacity relative to the proposed LTAR.

4. The RSS provides all concerned parties with written documentation of the LTAR, drainfield configuration and installation depth, treatment standard, site modifications and any other design requirements.

E. Preliminary Site Plan Review

1. The applicant's PE prepares and submits a preliminary site plan showing system location, configuration and layout based upon the LSS report.
2. The staff engineer reviews the site plan and layout in consultation with the RSS and updates the project review status in the database.
3. Staff engineer issues one of the following types of letters to the LHD, the PE and other applicable parties:
 - a. Approval of the site plan;
 - b. A request for revisions that include:
 - (a) A section detailing any required revisions with citation of applicable statute(s) or rule(s).
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice);
 - c. A request for additional information that includes:
 - (a) A section detailing any required additional information with citations to statute(s) or rule(s); and
 - (b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals or standards of practice).
4. If the preliminary site plan is approved, then system engineering plans and specifications review will be conducted. The LHD can now issue the Improvement Permit (IP) upon confirmation of:
 - a. OSWP (staff engineer and RSS) approval of soil and site evaluation, site plan and layout, and site loading capacity analysis;
 - b. LHD approval of the field layout of the initial and repair drainfields and;
 - c. Identification and specification of any permit conditions.
5. If the preliminary site plan is not approved and the required revision and/or additional information identified by the staff engineer is submitted, then the proposal is reviewed again.
6. If the preliminary site plan is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information identified by the staff engineer, then the Submitting Party may request an Informal Internal Review.

F. System Engineering Plans and Specifications Review

1. Staff engineer receives the system engineering plans and specifications.
2. The OSWP engineer reviews system engineering plans and specifications and updates the project status in the database.
3. The staff engineer will issue one of the following types of letters to the LHD, the PE, LSS and other applicable parties:
 - a. An approval of the system engineering plans and specifications (See Section G);

b. A request for revisions that include:

(a) A section detailing any required revisions with citation of applicable statute or rule(s);

(b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).

c. A request for additional information that includes:

(a) A section detailing any required additional information with citations of applicable statute or rule(s) and;

(b) A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

4. If the proposed system engineering plans and specifications are not approved and the required revision and/or additional information identified by the staff engineer is submitted, then the proposal is reviewed again.

5. If the system engineering plans and specifications are not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information identified by the staff engineer, then the staff engineer will issue a denial letter of the project submittal to the LHD, the PE, the LSS and other applicable parties.

6. The Submitting party may request an Informal Internal Review.

G. State Review Approval

1. The OSWP engineer sends a final approval letter to the LHD, the PE and other applicable parties.

2. Upon approval, the OSWP engineer will send copies of the plans and specifications stamped approved to the LHD and the project PE.

3. The staff engineer enters the final project information in the database.

4. The LHD can now issue the Authorization to Construct (AC) upon:

a. Receipt of an approval letter and copies of approved plans and specifications;

b. Confirmation that any site modifications required in the IP are complete, inspected or reviewed, and approved by the LHD and/or the OSWP [G.S. 130A-336(b)];

c. Field verification that the drainfield and repair areas have not been otherwise altered since IP issuance (unless IP/CA are concurrently issued) and reconfirmation that the drainfield layout is acceptable per approved plans;

d. Review and approval of legal documentation as necessary, e.g.:

(a) Draft tri-party agreements[15A NCAC 18A .1937(h)];

(b) Final (recorded) easement agreement(s) and encroachment agreement(s) [15A NCAC 18A .1938(j)] and;

e. Final (recorded) encroachment agreement(s).

H. Optional Preconstruction Meeting

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The OSWP strongly recommends a preconstruction meeting and will attend upon request by any party.

I. System Start-Up Inspection

1. The PE and the LHD determine that system construction is complete.
2. The PE, LHD, operator and (if requested) the OSWP staff engineer and RSS conduct a system start-up inspection to document baseline performance parameters.
 - a. All parties document any deficiencies in the installation and develop plans to correct them.
 - b. The parties either agree to meet on the site again to document correction of deficiencies or allow the PE to independently oversee correction and provide documentation to that effect.
3. The LHD issues the Operation Permit (OP) upon:
 - a. Receipt of certifications by all licensed professionals, including record (“asbuilt”) drawings if significant changes to the system design occurred during installation [15A NCAC 18A .1938(h)];
 - b. Receipt of updated Operation and Maintenance procedures and manual prepared by the PE, incorporating O&M requirements specific to the equipment provided by system component manufacturers [15A NCAC 18A .1939(i)(4)];
 - c. Confirmed execution and recordation of all required legal documents [15A NCAC 18A .1937(h), 15A NCAC 18A .1938(j)];
 - d. Receipt of a copy of a contract with an operator [15A NCAC 18A .1961(e)] certified by the Water Pollution Control System Operators Certification Commission to operate and maintain this system (G.S. 90A-46) and;
 - e. Confirmation that any requirements listed in the IP and CA (or referenced in the OSWP approval letter) are complete, inspected or reviewed, and approved by the LHD and/or the OSWP.

II. OSWP Regulatory Review Procedures when state review is requested by the LHD pursuant to 15A NCAC 18A .1938(f). The review protocol for these types of Regulatory Submittals includes one or more of the activities described above in Section I. The specific type of Regulatory Submittal and associated processes are shown below:

A. Design daily flow review pursuant to Rule .1949; (The LHD only requests review of the proposed flow for a facility.)

1. OSWP staff engineers (staff engineer/s) receives a project submittal for the proposed daily design flow and a Request for Review form.
2. The assigned staff engineer enters the project submittal information into the database, assigns a project number.

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3. The staff engineer notifies the LHD of receipt of the submittal.
4. The staff engineer contacts the LHD to discuss the proposed daily design flow.
5. The staff Engineer issues one of the following types of letters to the LHD, the PE and other applicable parties:
 - a. An approval of the proposed design daily flow;
 - b. A request for revisions to the proposed daily design flow that includes:
 - (a) A section detailing any required revisions with citation of the applicable statute or rule;
 - (b) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice);
 - c. A request for additional information that includes:
 - (a) A section detailing any required additional information with citations to rules or statutes and;
 - (b) A section detailing any suggested or recommended additional information based upon current knowledge base (guidance, manuals, or standards of practice).
6. If the proposed daily design is not approved and the required revision and/or additional information identified by the staff engineer is submitted, then the proposal is reviewed again.
7. If the proposed daily design is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information that the staff engineer has identified, the Submitting Party may request an Informal Internal Review.

B. Design plans and specifications pursuant to Rule .1938(f). (This is typically an engineered design that does not specifically require State review based on Design Daily Flow <3,000 gpd. The depth and nature of State review for such projects will vary based on relative LHD need.)

1. Application Submittal:

a. The LHD fills out a Request for Review describing which elements of the Submittal the OSWP should review. The LHD conveys the Regulatory Submittal and Request to Review to the OSWP.

b. OSWP reviewers: An engineer and/or regional soil scientist (RSS) are assigned to the review, as applicable.

2. The OSWP then follows one or more of the protocols described in Section I above based on the LHD request. Most typically, the review would include:

a. Daily Design Flow Review Process (Section I.C)

b. Soil and Site Evaluation Review (Section I.D)

c. System Engineering Plans and Specifications Review (Section I.F)

C. Design plans and specifications pursuant to Rule .1948(d); (Proposals intended to overcome an UNSUITABLE classification)

1. Application Submittal: The LHD fills out a Request for Review for a proposal submitted based on Rule .1948(d) and conveys it to the OSWP with the Regulatory Submittal.

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2. The OSWP then follows one or more of the protocols described in Section I above based on the nature of the submitted information. Most typically, the review would include:
 - a. Soil and Site Evaluation Review (Section I.D)
 - b. System Engineering Plans and Specifications Review (Section I.F)

III. Other Types of Regulatory Submittals and associated review protocol:

A. Prefabricated septic tanks, pumps tanks, effluent filters, risers and riser covers, and pipe penetrations [15A NCAC 18A .1953 and .1954]:

1. Submittal

- a. The manufacturer (or their representative) of the component provides a submittal with information identified in Rule .1953 and .1954 or G.S. 130A- 335.1.
- b. The assigned staff engineer notifies the manufacturer of receipt of the submittal.
- c. The staff engineer reviews the application based upon Rule .1953, .1954, G.S. 130A-335.1, and/or posted guidance documents.
- d. The staff engineer issues one of the following types of letters to the LHD, the PE and other applicable parties:
 - (a) An approval of the component;
 - (b) A request for revisions to the component design that includes:
 - (i) A section detailing any required revisions with citation of the applicable statute or rule;
 - (ii) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
 - (c) A request for additional information that includes:
 - (i) A section detailing any required additional information with citations to rules or statutes;
 - (ii) A section detailing any suggested or recommended additional information based upon current knowledge base (guidance, manuals or standards of practice).

2. If the component is not approved and the required revision and/or additional information identified by the staff engineer is submitted, then the proposal is reviewed again.

3. If the component design is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information that the staff engineer has identified, the Submitting Party may request an Informal Internal Review.

B. Residential wastewater treatment systems (RWTS) [15A NCAC 18A .1957(c)]

1. Submittal

- a. The manufacturer (or their representative) of the RWTS provides a submittal with information identified in Rule .1957(c).

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- b. The assigned staff engineer notifies the manufacturer of receipt of the submittal.
 - c. The staff engineer reviews the application based upon Rule .1957(c) and posted guidance documents.
 - d. The staff engineer issues one of the following types of letters to the LHD, the PE and other applicable parties:
 - (a) An approval of the component;
 - (b) A request for revisions to the component design that includes:
 - (i) A section detailing any required revisions with citation of the applicable statute or rule;
 - (ii) A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice);
 - (c) A request for additional information that includes:
 - (i) A section detailing any required additional information with citations to rules or statutes; and
 - (ii) A section detailing any suggested or recommended additional information based upon current knowledge base (guidance, manuals, or standards of practice).
2. If the component is not approved and the required revisions and/or additional information identified by the staff engineer are submitted, then the proposal is reviewed again.
3. If the component design is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information that the staff engineer has identified, the Submitting Party may request an Informal Internal Review.
- C. OSWP Regulatory Review Procedures Applications for wastewater systems, components, or devices that are submitted under Rule 15A NCAC 18A .1969. (These are Experimental and Innovative (E&I) approvals.)
1. The review procedures for these applications are outlined in Rule .1969 and Branch Guidance Documents and include:
- a. Presentation to the E&I Committee (a Technical Advisory Committee pursuant to G.S. 130A-334) and potential naming of a special subcommittee.
 - b. Subcommittee and full Committee recommend approval or disapproval (with justification) of applications in writing to the OSWP Branch.
 - c. The OSWP Branch recommends approval or disapproval of applications to the Section Chief.
2. The Section Chief issues one of the following types of letters to the applicant:
- a. Notice of Approval and finalized approval document.
 - b. Notice of Disapproval with justification.

**Part 1B: Food Protection and Facilities: Standardize Certain Regulatory
Review Procedures**

Reference Session Law 2014-120, Section 29.(b).

I. ~~Background:~~ Background: Plan submittals for prototype food establishments to be franchised in multiple counties are reviewed by the Food Protection and Facilities Branch (FPF). Local environmental health staff acting as authorized agents of the Department review individual food establishment plans. Plans for construction of public swimming pools are also reviewed by local health department staff acting as agents of the Department with technical assistance from the FPF staff. Plan review checklists are used to assure uniform review for compliance with the rules.

A. A Food Service Plan Review Application form and guidance are provided to assure all needed information is in order for approval.

B. A public Swimming Pool Plan Review Checklist is used to check pool plans to assure all safety requirements and circulation system components are able to meet the water quality requirements. ~~Describe the types of review your agency performs relative to Food Protection and Facilities and what methods you use to ensure that reviews are limited to regulatory compliance. Reference the State's report as appropriate.~~

~~I. First type of Regulatory submittal~~

~~A. A description of the process~~

~~B. Etc.~~

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**Part 2A: On-site Water Protection Informal Internal Review Processes
and
Procedures to Develop and Maintain a List of Review Engineers**
Reference Session Law 2014-120, Section 29.(c).

I. Definitions

The following definitions apply throughout this document:

- A. Practice of Engineering. – As defined in G.S. 89C-3.
- B. Professional Engineer (PE). – As defined in G.S. 89C-3.
- C. Regulatory Authority. – The Department of Environment and Natural Resources, the Department of Health and Human Services, and any unit of local government operating a program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- D. Regulatory Submittal. – An application or other submittal to a Regulatory Authority for a permit, license, or approval. In the case of a unit of local government, Regulatory Submittal shall mean an application or submittal submitted to a program approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- E. Submitting Party. – The person submitting the Regulatory Submittal to the Regulatory Authority.

II. Scope:

This guidance is applicable to Regulatory Submittals prepared, sealed and signed by a professional engineer licensed pursuant to Chapter 89C of the General Statutes. These Regulatory Submittals are reviewed by either the On-Site Water Protection Branch (OSWP) or the local health department (LHD) environmental health staff acting under delegated authority.

- A. Regulatory Submittals that include the following must be submitted to OSWP for review:
 - 1. Systems with design daily flows > 3,000 total gallons per day [15A NCAC 18A .1938(e)];
 - 2. Systems designed pursuant to 15A NCAC 18A .1949 (c) or (d);
 - 3. Systems designed for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)];
 - 4. Prefabricated septic tanks, pumps tanks, effluent filters, risers and riser covers, and pipe penetrations [15A NCAC 18A .1953 and .1954];
 - 5. Residential wastewater treatment systems [15A NCAC 18A .1957(c)]; and
 - 6. Applications for wastewater systems, components, or devices that are submitted under Rule 15A NCAC 18A .1969.

- B. Other Regulatory Submittals are submitted directly to the LDH who, in turn, either reviews or requests review by OSWP [15A NCAC 18A .1938(f)].

III. Informal Internal Review Process

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North Carolina Session Law 2014-120, Section 29(c) identifies two circumstances that allow a Submitting Party to request an Informal Internal Review of the LHD or OSWP review:

A. The Regulatory Submittal includes a design or practice sealed by a PE that is not included in the Regulatory Authority's existing guidance, manuals or standard operating procedures. The internal review process for these requests depends on whether the Regulatory Submittal was submitted to the LHD or OSWP:

1. Submittal to OSWP

a. The OSWP staff engineer (hereafter "staff engineer") reviews the Regulatory Submittal in accordance with procedures outlined in Part IA of this report.

b. If the staff engineer is not a NC licensed PE, then the Submitting Party may request an Informal Internal review by the reviewer's supervisor.

c. If the reviewer's supervisor is not a NC licensed PE, review may be provided by a consulting NC licensed PE selected from a list developed and maintained by the Regulatory Authority in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes.

d. The Regulatory Authority may charge the Submitting Party for costs of the review by the consulting NC licensed PE.

e. The OSWP Branch has the authority to make the final decision, even if review of the Regulatory Submittal is conducted by a consulting NC licensed PE.

2. Submittal to LHD

a. LHD Staff review the Regulatory Submittal

b. If requested by the Submitting Party, informal review will be conducted by

(a) Reviewer's supervisor or,

(b) A staff engineer (NC licensed PE)

c. If neither the LHD nor OSWP Branch employs a NC licensed PE that is qualified and competent to perform the review, then:

(a) Review may be provided by a consulting NC licensed PE selected from a list developed and maintained by the Regulatory Authority in accordance with Article 3D of Chapter 143 of the North Carolina General Statutes.

(b) The Regulatory Authority may charge the Submitting Party for costs of the review by the consulting NC licensed PE.

d. The OSWP Branch will notify the LHD, the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.

e. The OSWP Branch has the authority to make the final decision, even if review of the Regulatory Submittal is conducted by a consulting NC licensed PE.

B. There is a disagreement between the reviewer of the Regulatory Submittal and the Submitting Party regarding whether statute or other regulatory authority mandates the revisions or requests for additional information made by the Regulatory Authority.

1. In these cases, the Regulatory Authority will conduct an informal hearing with one of the following groups, as appropriate:

a. A review panel including the Environmental Health Section Chief or their designee,

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LHD personnel, Stakeholders representative(s) chosen by the Submitting Party and others as appropriate for the following instances:

- (a) Systems with design daily flows > 3,000 total gallons per day [15A NCAC 18A .1938(e)];
- (b) Systems designed pursuant to 15A NCAC 18A .1949 (c) or (d);
- (c) Systems designed for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938(f)];

b. Members of the Experimental and Innovative (E&I) Technical Advisory Committee for the following types of Regulatory Submittals:

- (a) Prefabricated septic tanks, pumps tanks, effluent filters, risers and riser covers, and pipe penetrations [15A NCAC 18A .1953 and .1954];
- (b) Residential wastewater treatment systems [15A NCAC 18A .1957(c)]; and
- (c) Applications for wastewater systems, components, or devices that are submitted under Rule 15A NCAC 18A .1969.

2. The OSWP Branch will notify the LHD, the Submitting Party and other applicable parties of the decision reached during the Informal Internal Review process.

IV. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews

A. PEs for Informal Internal Reviews will be selected in accordance with Article 3D of Chapter 143 of the NC General Statutes (<http://www.ncbels.org/forms/minibrooksact.pdf>) including:

- 1. Announcing requirements for these engineering consultative services;
- 2. Selecting firms that are qualified to provide such services on the basis of demonstrated competent and qualification without regard to fee; and
- 3. Negotiating a contract.

B. The OSWP will publish an announcement of the need for Consultative Services on its website and request that various professional engineer associations such as NCBELS, PENC, and NSPE post our intention to compile this list on their websites.

C. Draft a Request for Inclusion on the EH Section's NCPE Informal Internal Review List for dissemination to the general professional engineer population. Using this form, respondents will provide:

- 1. Licensee's name;
- 2. NCPE license number;
- 3. Licensure field/area;
- 4. Contact information; and,
- 5. Years of experience designing ground absorption sewage treatment and dispersal systems.

D. The protocol to review Requests for Inclusion will include:

- 1. Appropriate field of engineering expertise;
- 2. Benchmark minimum number of years engaged in this activity;

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3. Benchmark minimum number of engineered designs approved.

E. The list will be finalized based on prequalification to do business in the state via the State of North Carolina Interactive Purchasing System.

F. The EH Section will post the list of PEs approved for Informal Internal Review processes on I.——its website and update it as appropriate. ~~If your department has specific local procedures for Informal Internal Review of On-site Water Protection projects, include a description here.~~
A.——Note that the State's report provides a mechanism by which local agencies can fulfill the requirements for this process. You may reference the State report as appropriate for this section.

B. Etc.

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**Part 2B: Food Protection and Facilities Informal Internal Review Processes
and
Procedures to Develop and Maintain a List of Review Engineers**

Reference Session Law 2014-120, Section 29.(c).

I. Definitions

The following definitions apply throughout this document:

- A. Practice of Engineering. – As defined in G.S. 89C-3.
- B. Professional Engineer (PE). – As defined in G.S. 89C-3.
- C. Regulatory Authority. – The Department of Environment and Natural Resources, the Department of Health and Human Services, and any unit of local government operating a program (i) that grants permits, licenses, or approvals to the public and (ii) that is either approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- D. Regulatory Submittal. – An application or other submittal to a Regulatory Authority for a permit, license, or approval. In the case of a unit of local government, Regulatory Submittal shall mean an application or submittal submitted to a program approved by or delegated authority from the Department of Environment and Natural Resources or the Department of Health and Human Services.
- E. Submitting Party. – The person submitting the Regulatory Submittal to the Regulatory Authority.

~~I. If your department has specific local procedures for Informal Internal Review of Food Protection and Facilities projects, include a description here.~~

~~A. Note that the State's report provides additional mechanisms by which local agencies can fulfill the requirements for this process. These include a regulatory provision (15A NCAC 18A .2676) as well as a description of the State's plan to establish a list of private sector engineers qualified to perform these reviews. You may reference the State report as appropriate for this section.~~

~~B. Etc.~~

II. Scope:

This guidance is applicable to Regulatory Submittals which may be submitted by an engineer or architect for food establishment or public swimming pools and may apply to plans submitted for institutions that provide health care, confinement or educational services.

A. When plan approval is not granted on a submittal, the submitting party is notified of which rules are not met and what problems need to be corrected upon resubmittal.

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B. If resubmittal does not fully comply with the rules, the process of resubmittal may be repeated or notification will be given that the plans are not approved, what rules are not met, and what the formal appeals procedure is, explaining that there is a 30-day window for formal appeals.

C. Differences of opinion regarding the interpretation of a rule may be resolved through an informal review as provided in rule 15A NCAC 18A .2676.

15A NCAC 18A .2676 INFORMAL REVIEW PROCESS AND APPEALS PROCEDURE

(a) If a permit holder disagrees with a decision of the local health department on the interpretation, application, or enforcement of the rules of this Section the permit holder may:

(1) Request an informal review pursuant to Paragraphs (d) and (e) of this Rule; or

(2) Initiate a contested case in accordance with G.S. 150B.

(b) The permit holder is not required to complete the alternative dispute resolution prior to initiating a contested case in accordance with G.S. 150B.

(c) When a petition for a contested case is filed, the informal review process shall terminate.

(d) If the permit holder requests an informal review, the request shall be in writing and shall be postmarked or hand delivered to the local health department within seven days of notice of the decision giving rise to the review. The request shall state the issues in dispute. If the inspection giving rise to the informal review was conducted by the Environmental Health Supervisor in the county or area where the food establishment is located, or when the county or area has only one registered environmental health specialist assigned to inspect food establishments, the Environmental Health Regional Specialist assigned to that county or area shall conduct the local informal review. As soon as possible, but at least within 30 days of receipt of the request, the person conducting the review shall contact the permit holder, provide that permit holder an opportunity to be heard on the issues in dispute and issue a written decision addressing the issues raised in the appeal. Copies of the decision shall be mailed to the permit holder and to the State Health Director. That decision shall be binding for the purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (e) of this Rule or by the State Health Director.

(e) Following receipt of the written decision of the Environmental Health Supervisor or his or her representative issued pursuant to Paragraph (d) of this Rule, the permit holder who initiated the informal review may appeal the resulting decision to an Informal Review Officer designated by the Department to be responsible for final decisions on appeals from throughout the state. Notice of such appeal shall be in writing, shall include a copy of the Environmental Health Supervisor's or his or her representative's decision, and shall be postmarked or hand-delivered to the local health department and to the Department within seven days of receipt of the written decision issued pursuant to Paragraph (a) of this Rule. Within 35 days of receipt of this appeal, the designated Informal Review Officer shall hold a conference in Wake County. At least 10 days prior to the conference, the Informal Review Officer shall provide notice of the time and place of this conference to the permit holder and the Environmental Health Supervisor for the county or area where the issue arose. Within 10 days following the date of the conference, the Informal Review Officer shall issue a written decision addressing the issues raised in the appeal and that decision shall be binding for purposes of future inspections of the establishment in question unless modified pursuant to Paragraph (g) of this Rule or by the State Health Director.

(f) If the decision on appeal at the local or state level results in a change in the score resulting from an inspection of an establishment, the regulatory authority shall post a new grade card reflecting that new score.

(g) Appeals of the decision of the designated Informal Review Officer shall be in accordance with G.S. 150B.

(h) Nothing in this Rule shall impact the right of a permit holder to a reinspection pursuant to Rule .2661 of this Section.

History Note: Authority G.S. 130A-248; S.L. 2011-394, Section 15(a); Eff. September 1, 2012.

D. If the Submitting Party requests Informal Internal review by a PE, the FPF will follow the procedure described below.

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III. Procedure For Developing and Maintaining a List of PEs for Informal Internal Reviews

A. PEs for Informal Internal Reviews will be selected in accordance with Article 3D of Chapter 143 of the NC General Statutes (<http://www.ncbels.org/forms/minibrooksact.pdf>) including:

1. Announcing requirements for these engineering consultative services;
2. Selecting firms that are qualified to provide such services on the basis of demonstrated competent and qualification without regard to fee; and
3. Negotiating a contract.

B. The FPF will publish an announcement of the need for Consultative Services on its website and request that various professional engineer associations such as NCBELS, PENC, and

C. Draft a Request for Inclusion on the EH Section NCPE Informal Internal Review List
for

dissemination to the general professional engineer population. Using this form, respondents will provide:

1. Licensee's name;
2. NCPE license number;
3. Licensure field/area;
4. Contact information; and,
5. Years of experience designing food service facilities or public swimming pools

C. The protocol to review Requests for Inclusion will include:

1. Appropriate field of engineering expertise;
2. Benchmark minimum number of years engaged in this activity;
3. Benchmark minimum number of engineered designs approved.

E. The list will be finalized based on prequalification to do business in the state via the State of North Carolina Interactive Purchasing System.

IV. The EH Section will post the list of PEs approved for Informal Internal Review processes on its website and update it as appropriate.

SL 2014-120 Report ~~(Your Department Name)~~ Macon County Health
Department

Part 3A: Onsite Water Protection Review of Working Job Titles

Reference Session Law 2014-120, Section 299.(h).

I. Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals

- A. Macon County Environmental Health Section has six (6) staff who, as State Agents delegated authority in On Site Waste Water, are involved in review of regulatory submittals to the degree previously described. The working title of each of these staff is 'Registered Environmental Health Specialist'. Staff relies heavily on the State OSWP engineering staff during regulatory reviews and refers to them in all contested cases or situations involving appeals.
- B. No additional administrative measures or revisions to working job titles are proposed at this time.
- C. The requirements of Section 29 of Session Law 2014-120 include an option for the Submitting Party to request an Informal Review by a PE on staff of the Regulatory Authority or the delegating or approving State agency. Because local health departments do not typically employ PEs, the State-level PE could fulfill this role by conducting the Informal Internal Review on behalf of the county upon request.

~~I. Provide a description of your department's review of working job titles of every local On-site Water Protection employee with job duties that include review of Regulatory Submittals here.~~

~~A. Include what, if any, administrative measures or working job title revisions your department proposes to implement.~~

~~B. Note that the Session Law only requires that you review and propose any revisions prior to submitting the report. That is, revisions need not be accomplished prior to sending the report.~~

Part 3B: Food Protection and Facilities -Review of Working Job Titles
Reference Session Law 2014-120, Section 29. (h).

I. Review the Working Job Titles of every employee with job duties that include the review of Regulatory Submittals

- A. Macon County Environmental Health Section has four (4) staff who, as State Agents delegated authority in Food and Lodging Facilities, are involved in review of regulatory submittals to the degree previously described. The working title of each of these staff is 'Registered Environmental Health Specialist'. Staff relies heavily on the State FPF staff during regulatory reviews and refers to them in all contested cases or situations involving appeals.
- B. No additional administrative measures or revisions to working job titles are proposed at this time.

~~I. Provide a description of your department's review of working job titles of every local Food Protection and Facilities employee with job duties that include review of Regulatory Submittals here.~~

~~A. Include what, if any, administrative measures or working job title revisions your department proposes to implement.~~

~~B. Note that the Session Law only requires that you review and propose any revisions prior to submitting the report. That is, revisions need not be accomplished prior to sending the report.~~